

## MEETING 18– March 24

At a Workshop Session Meeting of the Madison County Board of Supervisors on March 24, 2015 at 6:00 p.m. in the Madison County Fire hall located at 1223 N. Main Street:

PRESENT: Doris G. Lackey, Chair  
R. Clay Jackson, Vice-Chair  
Jonathon Weakley, Member  
Robert W. Campbell, Member  
Kevin McGhee, Member  
V. R. Shackelford, III, County Attorney  
Ernest C. Hoch, County Administrator  
Leo Tayamen, Finance Director  
Jacqueline S. Frye, Deputy Clerk

### **Agenda:**

#### **Call to Order**

#### **Pledge of Allegiance & Moment of Silence**

#### **Determine Presence of a Quorum**

Supervisor Weakley called the meeting to order in the absence of Chairman Lackey and Vice-Chairman Jackson, and advised that a quorum was present.

*\*Doris G. Lackey, Chair, & R. Clay Jackson, Vice-Chair arrived at 6:04 p.m.\**

#### **1. Adopt Agenda**

Suggested amendments to today's Agenda: Add 3-a (Building Code Appeals Board).

Supervisor Campbell moved the adoption of today's Agenda as amended, seconded by Supervisor McGhee. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

#### **2. Constitutional Officers: None**

#### **3. Independent Committees/Organizations: None**

#### **4. County Departments - None**

#### **5. Committee Reports – None**

#### **6. Financial Reports**

- i. General Operations (Fund 10) - General Fund FY2015 – February*
- ii. Certificate of Claims (Fund 11) - Tourism Enhancement FY2015 – February*
- iii. Certificate of Claims (Fund 40) – Debt Service FY2015 – February*
- iv. Supplemental Requests – General Operations – FY2015 – February*
- vi. Capital Improvement Projects (Fund 30) – CIP – FY2015*

Concerns were verbalized regarding:

- General Operations (Fund 10): PRA (page 20 & 21)
- Capital Improvement Expenditures (Fund 30): Roof project & storage building
- School appropriations
- Bid request for snow removal
- Roof bid (bids/scope of work/bid specs)
- Expenditures of funding for storage building

The County Administrator provided input on:

- Funding appropriations for the school's CIP project
- Appropriations and funding allocated for the PRA
- The roof project
- Storage building

After discussion, it was noted these items will be addressed during the April Regular Meeting.

Chairman Lackey advised that all projects being described are things that needed and are being funded within the FY2015 budget.

**7. Minutes:**  
*a. #8 through #13*

Chairman Lackey asked that any corrections be forwarded for inclusion prior to the April Regular Meeting.

**8. Discussion:**

**i. Budget Update & Upcoming Meetings:** The County Administrator advised that a meeting has been scheduled for Thursday at 5:30 p.m. to discuss the FY2016 budget; a synopsis was provided for review; the final draft will be forwarded for publication followed by a public hearing scheduled for Tuesday, April 14, 2015. If any further adjustments are needed following the public hearing, an updated version will be published for adoption at the May Regular Meeting.

**ii. VDOT Six Year Plan Review/Public Hearing May 12, 2015:** Greg Banks, Project Manager, and Roy Tate, Assistant Residency Administrator, were present to provide input on the Six Year Plan Review for Madison County.

Mr. Banks proceeded to provide input on:

- Projected allocations for the plan
- Funding mechanisms and types (State, Rural Rustic, etc.)
- Funding trends & cost estimates (for construction)
- General County facts
- Project breakdown (for Madison County)
- Miles of hard surface and gravel roads (in Madison County)
- Qualifying mechanisms that are needed for a road to be included in the plan

Ongoing projects within the plan:

- Twyman's Mill Road
- Shifflett's Corner
- Yager Mountain Road
- Booten's Lane
- Fletcher's Road
- Forest Drive

Concerns by the Board focused on:

- Citizen suggestions that:
  - ✓ Funding not be spent on Route 695
  - ✓ Whippoorwill Road and Wilderness Road be added to the plan (for Madison County)

Mr. Banks advised the traffic engineering department has been made aware that Madison County needs to be at the 'top of the list' with regard to needing updated traffic counts for the roads that are currently included in the plan.

Additional Board concerns focused on:

- Whether the County could consider adding smaller projects ahead of those noted in the plan with significant costs
- Whether VDOT is looking to establish a regional plan
- Requesting an updated count on gravel roads listed in the County's plan (to date)
- Whether a change in the plan can be requested if a specific project is pulled (i.e. Yager Mountain Road)

Mr. Banks advised that it's anticipated there will be some surplus funds from the projects noted at the top of Madison's plan; funding is allocated toward projects based on specific criteria involved. He also advised that the Rural Rustic Plan offers a greater asset.

Mr. Tate also noted that it takes several years to move forward with a road project.

In closing, it was noted the public hearing on the Six Year Road Plan has been scheduled for Tuesday, May 12, 2015. It was also recommended that no new projects be added to the existing plan at this time.

**iii. Consideration of the Adoption of "In God We Trust":** The County Administrator provided an update on the citizen campaign involving various localities to officially adopt "In God We Trust" as a part of its motto and charter; this concept has been adopted by many localities nationwide (i.e. 43 towns/cities/counties).

Comments from the Board focused:

- Comments made by citizens during a prior Board meeting (regarding prayer before the meetings)
- County emails and budget documentation already acknowledge the national motto

- Concerns of not wanting the motto used to cause any division within the localities
- Concerns regarding the separation of 'church and State'

After discussion, it was the consensus of the Board to add this item to the April Regular Meeting Agenda for action.

**iv. Parks & Recreation Authority Contributions - Robert Campbell:** Supervisor Campbell verbalized concerns regarding:

- PRA rollover funding requests
- Amounts involved for supplemental appropriations
- Comparisons from auditor reports vs. approved allocations
- Funding allocated has been above what was required (\$68,000.00)
- Not in favor of providing additional appropriations to the PRA
- Reference to PRA bylaws

The County Administrator acknowledged discussions regarding the anomaly being questioned and also noted there is no factual information to either confirm or deny the existence of an error prior to 2006.

Chairman Lackey noted the discrepancy described was rectified.

After discussion, the Board's liaisons noted they will present today's concerns (regarding funding discrepancies and PRA bylaws) to the attention of the Board at the next monthly meeting.

\* Chairman Lackey called for a five (5) minute recess\*

Chairman Lackey reconvened the meeting.

**v. Scenic River Designation Rapidan River – Hal Young:** Hal Young was present and provided highlights on the Scenic River Program, and advised the Board of specific criteria required by the Department of Conservation & Recreation to initiate the process. Specifics of the historical origin of the Rapidan River and its significance to Madison County were discussed. It was noted that the designation will not require new river access, land use or right-of-way designations. In closing, he advised that a float of the river to Germanna has been scheduled on April 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>.

Comments from the Board focused on:

- Possible concerns from property owners regarding property rights
- Past history of the DCR being 'controlling'
- Concerns regarding no imminent domain
- Lack of public education on the matter
- Whether the designation will offer the ability to attain grant funding
- Possible enhancement for local tourism
- Whether there is any tangible asset (i.e. grant funding for scenic byways/ivers)

The County Attorney provided insight as to the measures the Town of Orange has initiated (regarding sewage clean-up) along the river, and encouraged proposed measures to improve the cleanliness of the river.

It was noted that the DCR doesn't promote increased river usage as a result of the scenic designation; if any landowners have concerns on this matter, these concerns should be brought to the attention of the County and not to the DCR.

Discussions from the Board focused on:

- Whether to schedule a joint meeting with the Planning Commission and DCR representatives
- Whether the Board should schedule a public hearing
- Assessing how today's inquiry would fit into the County's comp plan

After discussion, it was the consensus of the Board to direct the County Administrator to submit a letter of interest to DCR to suggest that Ms. Krump proceed in requesting an initial study of the segment of the Rapidan River.

**vi. Request by Local Business for Tax Clarification:** The County Administrator advised that a letter has been received (and provided to the Board) from Mr. Peter Rice, owner of Box In-Box Out [Fulfillment Center]]. Specifics of the services offered by the business were provided for review. The existing merchant's capital tax calls for all businesses here to be taxed for all merchandise in their possession as of January 1<sup>st</sup> of each tax year. The business owner is requesting to be exempt from the tax, as the merchandise housed in the facility is actually owned by out of state and/or foreign companies and is stored at the facility (in Madison County) until the products are sold and shipped to consumers. The owner has plans to expand the facility here, but may reconsider if the tax

is required, as this will hinder future growth and cause services offered to be more non-competitive. In closing, it was noted there is a guideline in the Virginia Code (§58-1.35.10) that allows for an exemption for this particular tax.

The County Administrator explained how the Commissioner was advised of this concern and has been working to assess ways that could provide an exemption for this business owner. In closing, it was noted that legal council has reviewed this matter for interpretation and has requested the County assess this matter further for clarification.

Discussions focused on:

- Assessing whether the language in place on this matter is effective
- Whether to continue with the merchant's capital tax in the future

The County Attorney advised that in reviewing the Virginia Code, there is some ambiguity noted. Although the Commissioner and auditors for "Box In-Box Out" have contacted other taxing offices within the state, there is a difference in the interpretation on this matter. It was also noted the Virginia Code indicates there is cause to require the merchant's capital tax, although enforcement is uneven. In closing, he noted the merchant's capital tax is a local tax and feels there is no question that charging this type of tax is within the locality's authority to enforce; however, a revision could be noted in the merchant's capital tax portion of the County's tax Ordinance in the event the Board decides to initiate a change.

**vii. Consideration of Establishing Culture Exchange with Huelben, Germany:** John Underwood was present to provide highlights regarding an opportunity for the County to partner with citizens in Huelben, Germany, that would allow citizens from both localities to participate in exchange visitations at no cost to either locality.

Comments from the Board focused on the need to:

- Appoint someone locally to secure lodging
- Establish written guidelines and an understanding for both localities and future participants

Mr. Underwood noted that the citizens of Huelben, Germany are very enthusiastic about the program, and encouraged the same be done for the citizens of Madison County. In closing, he suggested that Tracey Garner, Economic/Tourism Director be the point of contact for the County. In closing, he advised that additional questions can be answered as time progresses.

After discussion, it was the consensus of the Board to endorse today's proposal and draft a resolution for review and discussion at the April Regular Meeting.

**viii. TOT Fund Budget/Budget:** The County Administrator provided an overview of the TOT Fund budget; clarification focused on the past agreement (by the Board) to allocate some funding in the general fund and establish \$50,000.00 for the TOT fund. In closing, it was noted the Board agreed to allocate \$10,000.00 to offset costs associated with the visitor's center and continue to set the TOT fund limit at \$50,000.00 (as noted in the budget). In closing, it was noted that funding to the Chamber was discontinued after the establishment of an Economic Development office.

**ix. School/County CIP Plans:** The County Administrator advised that during a recent meeting with the School Superintendent, there was discussion about reviewing the current CIP Plan, and suggested that the County and school system review the plan once the school renovation project is complete. A package was provided for review in order to identify costs and priorities for additional future projects. In closing, it was suggested that John Barret, Project Manager, be asked to provide services as a consultant on framework for future projects, and questioned whether the County would be interested in joining the school system in the program.

Comments from the Board focused on:

- School's budget request (i.e. purchase of new band uniforms)
- The need to identify issues for the school system early in the budget process
- Past debt service payments (removed from school to the county)

The County Administrator suggested the process begin in the fall (September/October 2015) and that both governing boards identify large projects and include them in a five to ten (5-10) year plan.

After discussion, it was the consensus of the Board to move forward with a discussion on the suggestion in the fall of 2015.

**x. Visitor Center Update:** The County Administrator advised the low bid on the proposed renovation to the visitor's center came in at \$19,700.00; \$25,000.00 has been budgeted and appropriated to cover the work.

After discussion, it was the consensus of the Board to act on this matter at the April Joint Meeting after review of the bid proposals received.

The County Administrator advised that a copy of the bid(s) will be provided to the Board for review/information.

**xi. Administration Building Update:** The County Administrator advised the plan is to get the bid out within the next two to three (2-3) weeks; once responses are received, the Board will be provided a copy for review and will need to determine whether to move forward with the proposed project.

Comments from the Board focused on:

- The amount of costs involved (for the expansion)
- The need for a long-range plan and pricing
- The need to assess viable options
- Research a build/design option at no cost (unless a contract is awarded)

**xii. School Federal E-rate Grant Opportunity:** The County Administrator noted that school system submitted an 'e-rate' grant (i.e. federal grant); if successful in attaining the grant, the school system would have to use most of their available IT funding within their budget (\$250,000.00 grant with about \$70,000.00 being required in matching funds), and would reduce their total operational funding for the year. The school system would like the County to consider appropriating any leftover FY2015 funding to be allocated toward this purpose (i.e. infrastructure – IT equipment) – the school board plans to present this idea and projections to the Board for review/consideration.

In closing, it was suggested the County entertain some discussion as to what the school's plans are for future IT purposes.

**xiii. Public Hearing – April 1, 2015 on Changes to B-1:** The Board was reminded of the upcoming public hearing as noted.

**xiv Public Informational Meeting on Proposed Power Line – April 2, 2015 at the High School:** The Board was reminded of the upcoming meeting on the proposed power line.

**xv. New Business – Saddlery Liquidators Grand Opening – April 15, 2015:** It was noted the business will be having a pre-opening shortly.

**xvi. Yoder's Opening Friday, March 27, 2015 at 7:30 a.m.:** The Board was reminded of the scheduled opening of Yoder's Market on Route 29 North.

Other new businesses opening in the County:

- Rosemary's Nest B&B

**9. Good of the Order – None.**

**10. Information/Correspondence**

**a. Letter from Troy Coppage regarding the Emergency Preparedness vacancy.**

**b. Budget Session:** Budget Session scheduled for Thursday, March 26, 2015 at 5:30 p.m.

**11. Closed Session**

**a. Personnel**

**a. Closed Session:**

*On motion of Supervisor Jackson, seconded by Supervisor McGhee, the Board moved to convene in a closed session, pursuant to Virginia Code Section 2.2-3711(A)(1) pertaining to personnel issues, specifically involving personnel evaluations and performances, and Virginia Code Section 2.2-3711(A)(7) pertaining to consultation with legal counsel pending possible litigation, with the following recorded: Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

**b. Motion to Reconvene In Open Session:**

*On motion of Supervisor Jackson, seconded by Supervisor Weakley, the Board reconvened in open session, with the following vote recorded: Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

**c. Motion to Certify Compliance:**

*On motion of Supervisor Jackson, seconded by Supervisor McGhee, the Board certified by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code 2.2-3711(A)(1), and Virginia Code Section 2.2-3711(A)(7), and that only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, with the following vote recorded: Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

**\*No Action was taken as a result of closed session\*:**

**12. Public Hearing, None**

### 13. Public Comment

Chairman Lackey opened the floor for public comment.

The following citizens provided public comment:

- Dan Jenkins (Concerns about frequency of VDOT traffic counts; FY2016 budget; spending process/limitations)
- Eleanor Montgomery (Consider cutting down on County spending)

The County Administrator provided a brief overview on the:

- Budget
- Spending process for various projects/services
- Line items in the contingency fund
- Jim Minks (Administration auditorium project; concerned about spending and the lack of need for additional offices)

Chairman Lackey noted the need for efficiency and the importance to get all County offices situated in one centralized location.

- Bill Walthall (Concerns about admin roof/expansion – lack of citizen support; no need for new sound system)
- Coral May (Concerns about the admin expansion project and proposed FY2016 budget)
- Bruce Brown (Information provided from Crutchfield, Inc. on sound system advice; no need to convert auditorium into office space)

Comments from the Board focused on:

- Past suggestions (from the Board) for the use of the Old ABC Building
- Relocation of specific administrative functions
- Possible expansion to the rear of the admin building
- Future space needs & pricing that may be involved
- Necessary improvements to County facilities

After discussion, it was also noted that costs will be needed prior to any future commitments.

With no further comments being brought forth, Chairman Lackey closed the public comment opportunity.

### 14. Adjournment

With no further action being required by the Board, on motion of Supervisor Jackson, seconded by Supervisor McGhee, Chairman Lackey adjourned the meeting. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

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Doris G. Lackey, Chairman  
Madison County Board of Supervisors

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Clerk of the Board of Madison County Board Supervisors

Adopted on: May 12, 2015

Copies: Doris G. Lackey, R. Clay Jackson, Jonathon Weakley, Robert Campbell, Kevin, McGhee,  
V.R. Shackelford, III, & Constitutional Officers



### Agenda Items

#### Call to Order

#### *Pledge of Allegiance & Moment of Silence*

**Agenda**  
**Workshop Agenda**  
**Madison County Board of Supervisors**  
**Tuesday, March 24, 2015 at 6:00 p.m.**  
**Madison County Firehouse, Lounge Room**  
**1223 N. Main Street, Madison, Virginia 22727**



## **Determine Presence of a Quorum**

### **1. Adopt agenda**

### **2. Constitutional Officers, None**

### **3. Independent Committees / Organizations**

### **4. County Departments**

### **5. Committee Reports**

### **6. Financial Reports**

- i. Claims i. General Operations (Fund 10) General Fund FY2015 – February
- ii. Certificate of Claims (Fund 11) – Tourism Enhancement FY2015 – February
- iii. Certificate of Claims (Fund 40) – Debt Service FY2015 – February
- iv. Supplemental Requests – General Operations – FY2015– February

### **7. Minutes: a. Review Draft Minutes: #8 through #13**

### **8. Discussion:**

- i. Budget update and upcoming meetings: Public Hearing April 14, 2015
- ii. VDOT Six Year Plan Review/Public Hearing May 12, 2015
- iii. Consideration of the adoption of “In God We Trust”
- iv. Parks & Recreation Authority Contributions: Bill Campbell
- v. Scenic Rivers Designation Rapidan River/ Hal Young
- vi. Request by local business for tax clarification
- vii. Consideration of establishing culture exchange with Huelben, Germany
- viii. TOT Fund Budget/Budget
- ix. School/County CIP Plans
- x. Visitor Center Update
- xi. Administration Building Update
- xii. School Federal E-rate Grant Opportunity
- xiii. Public Hearing April 1, 2015 on Changes to B-1
- xiv. Public Informational Meeting on Proposed Power Line – April 2, 2015 at the High School
- xv. New Business – Saddlery Liquidators Grand Opening, April 15, 2015
- xvi. Yoder’s Opening – Friday, March 25, 2015 at 7:30 a.m.

### **9. Good of the Order**

### **10. Information/Correspondence**

### **11. Closed Session**

### **12. Public Hearing, None**

### **13. Public Comment, Will take place as close to 7:00 p.m. as possible**

### **Adjournment**